

CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 2001-17

AN ORDINANCE

**CREATING A NEW SECTION 14-59 SFCC 1987 ESTABLISHING SUPPLEMENTARY
REGULATIONS FOR RETAIL ESTABLISHMENTS 30,000 GROSS SQUARE FEET
AND LARGER AND AMENDING SECTION 14-1.2 SFCC 1987, DEFINITIONS, TO ADD
RETAIL ESTABLISHMENT, LARGE-SCALE AND RETAIL TENANT.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. A new Section 14-59.1 SFCC 1987 is ordained to read:

**14-59 SUPPLEMENTARY REGULATIONS FOR RETAIL ESTABLISHMENTS
30,000 GROSS SQUARE FEET AND LARGER**

14-59.1 Purpose and Intent. The purpose of these regulations is:

- A. To break up the apparent mass and scale of large retail structures in order to ensure that such development is compatible with and does not detract from Santa Fe's unique historic character, scale, and sense of place;
- B. To help integrate large-scale retail development with its surroundings;
- C. To promote and facilitate a safe and comfortable pedestrian scale environment;
- D. To encourage a mixture of uses and sizes of structures; and
- E. To reduce the visual impact of large areas of parking.

Section 2. A new Section 14-59.2 SFCC 1987 is ordained to read:

14-59.2 Applicability.

- A. In addition to compliance with all other requirements of this chapter, new

1 construction of retail establishments exceeding 30,000 gross square feet as a single tenant or
2 combination of tenants in a single structure must comply with the standards established by this
3 section. Applicability for existing structures that are proposed to be remodeled or enlarged shall
4 be based on the gross square footage of the structure at the time of the effective date of this
5 ordinance, as determined from the City of Santa Fe Year 2001 aerial photography.

6 B. Where the requirements of any part of this section may conflict with any other
7 section of Chapter 14, this section shall prevail.

8 C. *Additions.*

9 (1) Additions of ten percent or more to the gross square footage of the floor
10 area of an existing retail structure, that is already at least 30,000 gross square feet or that would
11 become 30,000 gross square feet or more after the addition, shall comply with § 14-59.5.C and D,
12 E (2) and (3), F and G SFCC 1987.

13 (2) Additions of twenty-five percent or more to the gross square footage of
14 the floor area of an existing retail structure, that is already at least 30,000 gross square feet or that
15 would become 30,000 gross square feet or more after the addition, shall comply with all of the
16 above and with §§14-59.4.A and B, 14-59.5.A and B, and 14-59.5E (1) SFCC 1987. Compliance
17 with §§ 14-59.5 B and 14-59.5.E (1) shall be to the extent possible as determined by City staff.
18 See table below.

19 D. *Remodeling.*

20 (1) When the valuation of the proposed remodeling exceeds twenty five
21 percent of the value of the existing retail structure, which is to be remodeled and which is greater
22 than 30,000 gross square feet, compliance is required with §§ 14-59.5.C and D, E (2) and (3), F
23 and G SFCC 1987.

24 (2) When the valuation of the proposed remodeling exceeds fifty percent of
25 the value of the existing retail structure which is to be remodeled and which is greater than 30,000

gross square feet, compliance is required with all of the above and with §§ 14-59.4.A and B, 14-59.5.A and B, and 14-59.E (1) SFCC 1987. Compliance with §§ 14-59.5.B and 14-59.5.E (1) shall be to the extent possible as determined by City staff. See table below.

SANTA FE CITY CODE REQUIREMENTS	REGULATORY TRIGGERS		
	Additions > 10% gross sq. ft. or Remodels > 25% valuation	Additions > 25% gross sq. ft. or Remodels > 50% valuation	New Buildings
Massing (SFCC 1987, §14-59.4A)		✓	✓
Entryways & Architectural Features (SFCC 1987, §14-59.4B)		✓	✓
Height (SFCC 1987, §14-59.4C)			✓
Integration into Street Network (SFCC 1987, §14-59.5A)		✓	✓
*Minimum Tenant Mix (SFCC 1987, §14-59.5B)		✓	✓
Pedestrian Circulation and Amenities (SFCC 1987, §14-59.5C)	✓	✓	✓
Relationship to Residential (Lighting) (SFCC 1987, §14-59.5D)	✓	✓	✓
*Screening (SFCC 1987, §14-59.5E(1))		✓	✓
Surface Parking (SFCC 1987, §14-59.5E(2))	✓	✓	✓
Number of Spaces (SFCC 1987, §14-59.5E(3))	✓	✓	✓
Public Transit (SFCC 1987, §14-59.5F)	✓	✓	✓
Outdoor Storage and Service (SFCC 1987, §14-59.5G)	✓	✓	✓
* To the extent possible			

E. *Exceptions.* The planning commission may grant waivers to the standards of this section under the following circumstances:

- (1) Strict application of the standard would result in peculiar or exceptional practical difficulties or exceptional and undue hardship upon the owner of the property; or
- (2) The proposed alternative building or site design satisfies the intent of the ordinance as well or better than would strict compliance with the standard; or
- (3) The new siting of parking areas and buildings in relation to the street is not possible with the remodel or addition; and
- (4) Granting of the waiver would not impose significantly more negative impacts on nearby properties.

Section 3. A new Section 14-59.3 SFCC 1987 is ordained to read:

14-59.3 Maximum Floor Area. No single retail establishment greater than 150,000 gross

square feet is permitted. However, the total structure can be larger than 150,000 gross square feet so long as no single retail tenant exceeds 150,000 gross square feet.

Section 4. A new Section 14-59.4 SFCC 1987 is ordained to read:

14-59.4 Architecture. All structures shall comply with the architectural design standards and the points allocation system of Section 14-58.8 SFCC 1987. In addition, the following standards shall also apply to all publicly visible parts of the structure:

A. *Massing.*

(1) Every 30,000 gross square feet of structure shall be designed to appear as a minimum of one distinct building mass, preferably with two or more building masses expressed.

(2) Horizontal wall plane projections of all publicly visible facades must be a minimum depth of three percent of the length of the facade and must extend at least twenty percent of the length of the facade pursuant to § 14-58.8.C SFCC 1987.

B. *Entryways and Architectural Features.* Multiple entryways or architectural features shall be incorporated into the design in order to break up the apparent mass and scale of large retail structures. Entrances may be to tenant spaces other than the primary retail tenant.

(1) For structures greater than 30,000 gross square feet but less than 75,000 gross square feet there shall be a clearly articulated public entrance on at least two sides of the structure. At least one such entrance shall be visible from a public street and connected to that street by a pedestrian sidewalk. It is permissible to have pedestrians cross vehicular traffic within the parking lot so long as a sidewalk is provided. When structures are adjacent to a residentially zoned district and separated from that district by either a public or private street, and where residential uses front or may reasonably be expected to front that street, the structure shall have at least one entryway on that street elevation.

(2) Structures with tenants greater than 75,000 gross square feet shall provide either a significant pedestrian amenity or a public entrance at a minimum of one per 75

1 linear feet of publicly visible façade. The public entrance may be to either the principal retail use
2 or to any other tenant. Examples of significant pedestrian amenities include, but are not limited
3 to, outdoor seating areas, play areas for children, and public courtyards. This provision shall not
4 apply to more than three sides of any structure. “Publicly visible” shall be as defined in § 14-
5 58.4.B. (4) SFCC of this chapter.

6 C. *Height.* Height shall be as per the individual zoning district, but shall be further
7 restricted as follows if the large-scale retail development adjoins residential development:

8 (1) Maximum height of any structure within 100 feet of a residential zoning
9 district property line or the property line of undeveloped residential land shall be 24 feet when
10 adjacent to 24-foot height residential buildings or undeveloped residential parcels, and shall not
11 exceed by more than ten percent the average of other building heights of adjacent residential
12 buildings. Maximum height calculation shall not include a parapet.

13 (2) Structures may exceed the heights specified above, up to the limit
14 specified in the zoning district in which they are located, provided that the structure wall shall be
15 stepped back two horizontal feet for each vertical foot of additional height up to the maximum
16 permitted, after the first twelve feet of height.

17 D. *Architectural Unity.* All buildings on the same site shall be architecturally
18 unified. This provision shall apply to new construction, additions and remodeling. Architectural
19 unity means that buildings shall be related in architectural style, color scheme, and building
20 materials.

21 **Section 5. A new Section 14-59.5 SFCC 1987 is ordained to read:**

22 **14-59.5 Site and Contextual Planning.** All projects shall comply with landscape and
23 site design requirements of SFCC 1987. In addition, the following standards shall also apply:

24 A. *Integration into the street network.* Vehicular access to the site shall be from
25 streets other than arterial wherever possible. Right turns in and out from the arterial may also be

1 considered. Insofar as possible, delivery vehicles shall not access the site from sub-collector or
2 smaller streets serving residential neighborhoods. Internal and new streets shall connect to
3 existing streets or be designed to facilitate future connections to the maximum extent possible.

4 B. *Minimum tenant mix.* Developments with single retail tenants greater than
5 75,000 gross square feet shall provide additional tenant spaces whose total gross square footage is
6 equal to or exceeds twenty-five percent of the primary tenant and which shall not be occupied by
7 tenants larger than 30,000 square feet in gross floor area each.

8 C. *Pedestrian circulation and amenities.* A safe and landscaped pedestrian
9 circulation system shall be provided on site which connects to public streets and neighborhoods.
10 Pedestrian walkways within the development shall be differentiated from driving surfaces
11 through a change in materials. At least one significant pedestrian amenity, such as an outdoor
12 seating area, play area for children, or courtyard, shall be provided for every 75,000 gross square
13 feet of structure. Required pedestrian amenities may be combined into one or more locations, in
14 order to create a larger amenity, so long as all other provisions of this section are satisfied.

15 D. *Relationship to adjoining residential properties.* Large-scale retail development
16 shall make special accommodations when located next to residential development or undeveloped
17 residential property as follows:

18 (1) *Lighting.* Light design and installation shall emphasize low-level
19 uniform lighting to avoid abrupt changes from bright lights to darkness. In order to protect
20 nearby residential properties from the greater and/or more intensive lighting because of the large-
21 scale development, nuisance glare is prohibited. In addition, there shall be compliance with all
22 other provisions of outdoor lighting ordinance § 14-62 SFCC 1987. In addition, large-scale
23 development shall also meet the following requirements:

24 (a) Parking and security lights shall not be taller than buildings or a
25 maximum of 24 feet above pavement, whichever is less; and

1 (b) Streetlights shall not exceed 24 feet in height above pavement.

2 E. *Parking and vehicular circulation.* Large-scale development should recognize
3 parking facilities as transitional spaces where users change modes of travel, from car, bus, or
4 bicycle to pedestrian. The design of those spaces shall therefore safely and attractively serve all
5 modes, especially the pedestrian.

6 (1) *Screening.*

7 (a) Seventy-five percent of the lot frontage adjacent to any arterial
8 street, exclusive of vehicular and pedestrian entrances, shall provide screening of on-site parking
9 by means of on-site buildings, which may include the primary structure.

10 (b) Fifty percent of the lot frontage adjacent to all other streets shall
11 provide screening of on-site parking by means of on-site buildings.

12 (c) Lot frontage adjacent to residential use or residential zoning
13 districts shall provide screening of on-site parking by means of walls, landscaping, or buildings.

14 (2) *Surface parking.* No single parking area shall exceed 120 spaces unless
15 divided into two or more sub-areas by a building, internal landscaped street, or landscaped
16 pedestrian way.

17 (3) *Number of spaces; exceptions.* For the purposes of this section, the
18 maximum number of parking spaces provided shall not exceed the minimum number required by
19 more than ten percent. Reductions in the number of required spaces may be allowed based on the
20 mixture of land uses, wherein there may be up to ten percent reduction of the non-residential
21 requirement and two to seven percent reduction of the residential requirement in mixed-use
22 development with further reductions considered on the basis of proximity to and availability of
23 public transit.

24 F. *Public transit.* Any large-scale retail development with one or more retail tenants
25 of 75,000 gross square feet or more and adjacent to an arterial street, which is or may be used as a

transit route, as coordinated with the City Transit Division, shall provide on-site accommodations for public transit access, including a bus pullout and shelter. All other such developments shall anticipate the need for public transit access and shall therefore provide a bus pullout.

G. *Outdoor storage and service.* To the extent possible, areas for outdoor storage, trash collection, and loading shall not be located adjacent to residential lots. Where such facilities are located adjacent to residential lots, they shall include a solid acoustic buffer. In all cases, such facilities shall be effectively screened from public view. To the extent possible, vehicular idling shall not be allowed in areas adjacent to residential lots. Signage shall be installed prohibiting vehicular idling in areas adjacent to residential lots. Areas for outdoor storage, trash collection, and loading shall be incorporated into the primary building design and construction for these areas shall be of materials of comparable quality and appearance as that of the primary building. Visual and acoustic impacts of these functions shall be mitigated to the greatest extent possible. When the loading and/or refuse collection area is adjacent to a residential district, deliveries and collections shall not occur between 10 p.m. and 6 a.m.

Section 6. Section 14-1.2 (being Ordinance #1962-19, Section 28-17 as amended) is amended to read:

Retail establishment, large-scale means a retail establishment of thirty thousand (30,000) gross square feet or more, including all roofed area.

Retail tenant, for the purposes of determining the applicability of special requirements that apply to large-scale retail establishments with single retail tenants greater than seventy-five thousand (75,000) gross square feet, or for the purposes of determining the applicability of the one hundred fifty thousand (150,000) gross square foot floor area maximum, shall mean a single establishment which shares checkstands, management, a controlling ownership interest, and storage areas, e.g., a plant nursery or a grocery store associated with a general merchandise store, such as a home improvement store.

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PASSED, APPROVED and ADOPTED this _____ day of _____,2001

LARRY A. DELGADO, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

PETER A. DWYER, CITY ATTORNEY

TB-7/25/01